

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

NATIONAL ASSOCIATION OF LETTER  
CARRIERS, BRANCH 1096

Cases 10-CA-130537  
10-CA-131009  
10-CA-131016  
10-CA-131018  
10-CA-131062  
10-CA-131103  
10-CA-131130

DECISION AND ORDER

**Statement of the Cases**

On October 16, 2014, the United States Postal Service (the Respondent), National Association of Letter Carriers, Branch 1096 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>1</sup>

---

<sup>1</sup> Chairman Pearce and Member Hirozawa note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

### **Findings of Fact**

#### **1. The Respondent's business**

The Respondent is and has been, at all times material herein, an independent establishment of the Executive Branch of the Government of the United States and operates various facilities throughout the United States in the performance of its basic function to provide postal services to the Nation, including its facilities in Tuscaloosa, Alabama, located at 1313 22nd Avenue and 3201 Skyland Boulevard East (the Respondent's facilities), the facilities involved in this settlement and the underlying proceedings.

The Respondent is now and has been at all material times an entity subject to the Board's jurisdiction by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

#### **2. The labor organization involved**

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

### **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that

The Respondent, United States Postal Service, Tuscaloosa, Alabama, its officers, agents, successors, and assigns, shall

#### **1. Cease and desist from**

(a) Refusing to bargain collectively and in good faith with the National Association of Letter Carriers, Branch 1096, by unduly delaying in furnishing requested information that is relevant and necessary to the performance of their duties as agents of the National Association of Letter Carriers (National Union), the exclusive bargaining representative of the bargaining unit employees in the following nationwide unit at its Tuscaloosa, Alabama facilities:

All city letter carriers, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural

letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, and postal clerks.

(b) In any other like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the purposes of the Act.

(a) Upon request, provide the Union with necessary and relevant information in a timely and appropriate manner.

(b) Each information request tendered by the Union, orally or in writing, shall be recorded in a log at each of the Respondent's Tuscaloosa, Alabama facilities. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Local with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Local in writing, requesting additional time and explaining the need for the additional time.

(c) Each manager and supervisor who is designated to receive union requests for information at the Respondent's Tuscaloosa, Alabama facilities will receive annual training which encompasses how to maintain the log and how to tender the relevant information requested by the Local; each such supervisor and manager will sign an acknowledgment form attesting to the fact that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the log, upon request. Supervisors or managers who fail to reasonably supply relevant information to the Union will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of said supervisor or manager.

(d) Union stewards at the Respondent's Tuscaloosa, Alabama facilities must be notified when the manager or supervisor who is designated to receive Union requests for information at their particular facility has changed.

(e) The Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs at the Respondent's Tuscaloosa, Alabama facilities to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure that the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(f) Within 14 days of service by the Region, post at all of its facilities located in the State of Alabama copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed either of the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the closed facility at any time since April 17, 2014.

(g) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the district manager of labor relations, attesting to the dates that the notices were received at each facility, and the dates that the notices were posted.

Dated, Washington, D.C., December 16, 2014

_____ Mark Gaston Pearce,	Chairman
------------------------------	----------

_____ Philip A. Miscimarra,	Member
--------------------------------	--------

_____ Kent Y. Hirozawa,	Member
----------------------------	--------

(SEAL)

NATIONAL LABOR RELATIONS BOARD

## **APPENDIX A**

### **NOTICE TO EMPLOYEES** POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

**WE WILL NOT** unduly delay furnishing information requested by the National Association of Letter Carriers, Branch 1096, that is necessary for and relevant to the performance of their duties as the exclusive collective-bargaining representative of the following appropriate bargaining unit at our Tuscaloosa, Alabama facilities:

All city letter carriers, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, and postal clerks.

**WE WILL NOT** in any other like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**WE WILL**, upon request, provide the Union with necessary and relevant information in a timely and appropriate manner.

**WE WILL** record each information request tendered by the Union in a log at the facility where the information request was made. If our manager or supervisor, having reviewed the documents requested, believes that we will need additional time, the manager or supervisor will inform the requesting Local in writing, requesting additional time and explaining the need for the additional time.

**WE WILL** conduct annual training with each manager or supervisor designated to receive union requests for information at our Tuscaloosa, Alabama facilities, on how to maintain the logs and how to tender the relevant requested information.

**WE WILL** notify union stewards when the manager or supervisor who is designated to receive union requests for information at their facility has changed.

**WE WILL** conduct, through our legal department or labor relations department, semi-annual audits of the logs at the Tuscaloosa, Alabama facilities, to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure that the logs are being properly maintained. Following the audit, our legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/10-CA-130537](http://www.nlr.gov/case/10-CA-130537) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

